

Remark

Applicants respectfully request reconsideration of this application as amended. Claims 44 and 50 have been amended. Claims 1-29 have previously been cancelled. Therefore, claims 30-58 are present for examination.

Claim Objections

The Examiner has objected to Claim 44 for an inconsistency with other claims. Claim 44 has been amended.

35 U.S.C. §102 Rejection

Buchholz

The Examiner has rejected Claims 30-32, 41-45, 50-53, 56 and 57 under 35 U.S.C. 102(b) as being anticipated by Buchholz, U.S. Patent No. 5,239,545 ("Buchholz"). The Examiner has pointed to Col. 4, lines 29-41 as showing registration, however, this section describes the channel grant request. Such a reading would require that registration and requesting the grant be in the same transaction. Applicants are unable to find any mention of registration elsewhere in the reference.

Claim 30, for example, recites, "sending a request message... based on the registration." If the request message and the registration are sent in the same burst then the one cannot be based on the other.

The Examiner has pointed to Figure 4, item 410 as showing an identification of an assigned communications channel. Item 410 appears to be all of the grant info, large channel and small channel. Applicants can find no teaching that the grants are different from each other nor any explanation of what information the grants may contain. In the

only examples provided by the reference, there is only one small channel and one large channel, the UM's request either the small channel or the large channel, the UM's always transmit in the next frame, and grants to different users are always sent in different frames. As a result, there is no reason for the grant to contain any information about the channel that the UM is to use. On the contrary, Column 5, lines 37-39 suggest that a grant is sent in frame #4 instead of frame #3 in order to prevent the UM from transmitting in frame #4.

Claim 30 recites, "the channel assignment message including an identification of an assigned communications channel for the communications stream." There is simply no information provided in the reference about the content of the grant message and no reason to infer that there is any content in the grant message.

Sending the channel identification allows for multiple channels in the next frame. There is no teaching or suggestion in the reference as to how multiple channels might be accommodated.

Lacking any teaching or suggestion for these two elements of Claim 30, the rejection based on Buchholz is respectfully traversed. The remaining claims are believed to be allowable based on the same grounds, *inter alia*.

35 U.S.C. §103 Rejection

Buchholz in view of Mousley

The Examiner has rejected Claims 36 and 38 under 35 U.S.C. 103(a) as being unpatentable over Buchholz, U.S. Patent No. 5,239,545 ("Buchholz"), in view of Mousley, U.S. Patent No. 6,738,638 ("Mousley"). Mousley is cited as showing closing a communications stream before opening another, pointing to Col. 4, lines 66, *et seq.*

In the cited section, Moulsey is describing something akin to the channel grant messages of Buchholz. Moulsey requires two preamble (request)/acknowledgment cycles and the cited section suggests that the base station not send both acknowledgements (A, CA, Figure 2) at the same time. There is nothing in this section about closing a stream or about opening more than one stream. Accordingly, this rejection is believed to be traversed. It is also believed to be traversed on the grounds provided above with respect to Claim 30.

35 U.S.C. §103 Rejection

Buchholz in view of Vallstrom

The Examiner has rejected Claims 33, 34, 37, 39, 40, 46-49, 54, 55 and 58 under 35 U.S.C. 102 (b) as being anticipated by Buchholz, U.S. Patent No. 5,239,545 (“Buchholz”), in view of Vallstrom et al., U.S. Patent No. 6,804,212, (“Vallstrom”). This rejection is based on the Buchholz rejection discussed above and is believed to be traversed on the same grounds, *inter alia*.

Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
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Date: January 4, 2007



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